

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EDDIE J. HAYNES, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )     CASE NO. 2:06-CV-1093-WKW  
                        )  
CITY OF MONTGOMERY, ALABAMA, )  
                        )  
Defendant.           )

**ORDER**

Upon consideration of the defendant's Motion for Summary Judgment (Doc. # 15), it is ORDERED that the motion is DENIED. The defendant has failed to carry its burden under Rule 56 of the Federal Rules of Civil Procedure to show that there is no genuine issue as to any material fact. A memorandum opinion will issue prior to the date of trial.

DONE this 21st day of February, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE